Appln No.: 10/063,792
Amendment Dated: September 15, 2004
Reply to Office Action of July 2, 2004

REMARKS/ARGUMENTS

This is in response to the Official Action mailed July 2, 2004 for the above-captioned application. Reconsideration of the application, as amended, is respectfully requested.

The election of claims 1-67 is confirmed.

Claim 1 has been amended to specify that the article of manufacture is a bottle, and claims inconsistent with this limitation have been canceled. Non-elected claims 68-77 have been canceled without prejudice. Thus, claims 1-23, 29-41 are now pending in this application.

Claims 1-2, 9, 13-15 and 22 of the pending claims stand rejected under 35 USC § 102(b) as anticipated by Kozak, US Patent No. 5,660,497. Since claim 1 has been amended to specify that the article is a bottle, and since Kozak does not disclose a bottle, this rejection is rendered moot by the amendments of the present claims, and is not addressed further.

Claims 3-8, 10, 16-21, and 23 of the pending claims stand rejected under 35 USC § 103 as obvious over Kozak. Since claim 1 has been amended to specify that the article is a bottle, and since Kozak does not disclose a bottle, this rejection is rendered moot by the amendments of the present claims, and is not addressed further.

Claims 11 and 12stand rejected as obvious 35 USC § 103 as obvious over Kozak. Since claim 1 has been amended to specify that the article is a bottle, and since Kozak does not disclose a bottle, this rejection is rendered moot by the amendments of the present claims, and is not addressed further.

Claims 29-41 of the pending claims stand rejected under 35 USC § 103 as obvious over Kozak in view of Cornell and Robinson. In making this rejection, the Examiner acknowledges that Kozak fails "to disclose an article comprising a substantially anular body portion and comprising a bottle having a bottom and a sealable top portion and an integrally molded handle. To overcome this rejection, the Examiner asserts that Cornell teaches that signs and labels are equivalent in photoluminescent articles, and that Robinson teaches application of a label to a bottle. Accordingly, he asserts that it would have been obvious to make a label using the methods of Kozak and place this label on a bottle. Applicants respectfully traverse this rejection, because whether or not the Examiner's argument is accurate, the result is not a bottle within the scope of the claimed invention.

The Kozak patent relates to fluorescent/reflective beads used to make up letters in a sign. There is no patterning in the surface of the beads, but rather the beads themselves form protrusions. In contrast, the present invention calls for a bottle comprising "a molded body



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formed from a plastic composition comprising a plastic having an index of refraction of at least 1.4 and a photoluminescent material." In other words, the photoluminescent material is in the main body of the bottle, and not merely in a label applied to the bottle. Furthermore, the cuts or protrusions are formed in the molded body not by applying beads as in the Kozak. Thus, Applicants submit that the combination of references relied upon by the Examiner does not render the claimed invention obvious. Accordingly, the rejection of these claims should be withdrawn.

Applicants submit that the present application is now in form for allowance and such action is earnestly solicited.

Respectfully Submitted,

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